

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the specification

The specification is amended, as shown in the foregoing AMENDMENT TO THE SPECIFICATION, to eliminate reference to the claims, to add section headings, and to correct minor informalities. It is respectfully submitted that no new matter is added, as the changes simply correct minor informalities.

Entry of the AMENDMENT TO THE SPECIFICATION is respectfully requested in the next Office communication.

In view of the above changes to the specification, removal of the objection to the specification is respectfully requested.

2. In the drawings

The drawing pages are presently amended in the REPLACEMENT SHEETS of page 1-6 of the drawings. Specifically, page numbers are added to the drawings. No new subject matter is introduced, since only identification of already illustrated features is provided by way of the amendment.

Acceptance of the REPLACEMENT SHEETS is respectfully requested in the next Office communication.

In view of the above changes to the drawing pages, removal of the objection to the drawings is respectfully requested.

3. In the claims

As shown in the foregoing LIST OF CURRENT CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

Claim 1 is amended to provide antecedent basis for the data processing component. It is respectfully submitted that no new matter is added, since the change merely corrects a minor informality.

Claims 2-16 are left unchanged.

Entry of the LIST OF CURRENT CLAIMS is respectfully requested in the next Office communication.

B. Rejection of claims 1-14 under 35 U.S.C. § 112 second paragraph

Reconsideration of this rejection is respectfully requested, in view of the amendment to claim 1, from which claims 2-14 depend, on the basis that antecedent basis is provided for every element of amended claim 1.

Accordingly, amended claim 1 is clear and definite, and withdrawal of this rejection is respectfully requested.

4. Rejection of claims 1-6, 8, 9, 12, and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,287,112 (*Schuermann*) in view of U.S. patent no. 6,593,845 (*Friedman et al.*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish a *prima facie* case of obviousness with respect to claims 1 and 15. The remaining claims 2-6, 8, 9, and 12 depend from claim 1, and are therefore patentable as containing all of the recited elements of claim 1, as well as for their respective recited features.

By way of review, claim 1 requires, at least in part, a communication apparatus for setting up a data connection between intelligent devices. The communication apparatus includes a transmission oscillator for carrying out a contactless data exchange, where the oscillator further includes a coil. The communication apparatus also includes a communication element connected to the coil and to a data processing component of an intelligent device, and which emits search signals via the coil to receive a response from another intelligent device. The

communication apparatus also includes a measuring device for monitoring a property of the transmission oscillator which outputs a control signal when ascertaining a change of the monitored property. And the communication apparatus further includes a switching apparatus which is connected to the measuring device and the communication element and which switches on the communication element when it has received a control signal from the measuring device.

Pending claim 15 is a method claim corresponding to pending claim 1.

The *Schuermann* patent discloses a fast read/write RFID system in which a transponder is operable to receive powering signals over an antenna that is tuned with a high Q-factor to the antenna of an interrogator (col. 1, lines 15-19). Both the interrogator and the transponder use a single set of circuitry for transmission and reception of both powering and communication signals (col. 2, lines 43-45). The single resonant circuit is implemented in each of the interrogator and the transponder for maximum efficiency of cost, size, and power consumption (col. 2, lines 47-49).

The transponder is adapted to receive data signals modulated by FSK modulation, where prior art devices utilize ASK or PSK modulation (col. 2, lines 50-55).

The *Schuermann* patent further discloses the interrogator 12 including a control circuit 16 connected to a resonant circuit 28 having a coil 30 (Fig. 1; col. 3, lines 23-58).

However, as acknowledged in the Office action on pages 5 and 7, the *Schuermann* patent fails to disclose that the interrogator also includes a measuring device for monitoring a property of the transmission oscillator which outputs a control signal when ascertaining a change of the monitored property, and a switching apparatus which is connected to the measuring device and the communication element and which switches on the communication element when it has received a control signal from the measuring device, as is required by pending claims 1 and 15.

The Office action turns to the *Friedman* patent as disclosing an RF tag with a wake up circuit (Office action pages 5 and 7).

In particular, the *Friedman* patent discloses an active RF transponder that is provided with a wake up circuit that wakes the RF transponder from a sleep state

upon detection of an RF interrogating signal (col. 2, lines 30-33). The wake up circuit is coupled to the antenna and includes a switch adapted to selectively couple the battery to the electronic circuitry and provide electrical power thereto upon detection of RF signals in order to facilitate communication with an interrogator (col. 2, lines 40-43; col. 4, lines 45-49).

However, in contrast to pending claims 1 and 15, the wake up circuit of the *Friedman* patent is provided in the transponder, and not in the interrogator, as is required by pending claims 1 and 15. That is, in the *Friedman* patent, the transponder includes a wake up circuit in order to be turned on when an interrogation signal of the interrogator is received. This is in contrast to pending claims 1 and 15, in which the communication apparatus (interrogator) for sending the interrogation or search signals is equipped with the wake up mechanism, including the measuring device that is coupled to the switching device in order to be turned on to send search signals in case a transponder approaches the interrogation field of the communication apparatus (specification, paragraphs [0006], [0029], [0045], [0046]).

Thus, the *Friedman* patent fails to disclose a wake up circuit provided in the communication apparatus (interrogator), as is required by pending claims 1 and 15.

Accordingly, if a person having ordinary skill in the art were to modify the RFID device of the *Schuermann* patent using the teachings of the *Friedman* patent, the proposed combination of the *Schuermann* and *Friedman* patents would result in a transponder having a wake up circuit, and not a communication apparatus (interrogator) having a wake up circuit, as is required by pending claims 1 and 15.

Further, since the configuration of the *Schuermann* patent is already optimized for maximum efficiency of cost, size, and power consumption (*Schuermann* patent, col. 2, lines 47-49).

Thus, a person having ordinary skill in the art would not have turned to the teachings of the *Friedman* patent in order to reduce power consumption, since the configuration of the *Schuermann* patent is already optimized therefore.

Additionally, since the *Friedman* patent discloses a wake up circuit in the transponder only, the *Friedman* patent does not disclose how to reduce the power consumption of the interrogator. In other words, even if the wake up circuit of the transponder of the *Friedman* patent were added to the transponder of the *Schuermann* patent, the problem solved by pending claims 1 and 15 of minimizing the power consumption of the communication apparatus (interrogator) would still be unsolved.

Further still, the wake up circuit of the *Friedman* patent appears to be technically different from the measuring device according to the pending claims, which is adapted for monitoring a property of the transmission oscillator. While the *Schuermann* patent does describe a resonant circuit which in principal could be monitored by a measuring device according to the pending claims, the *Friedman* patent does not disclose any such resonant circuit and the RF detect circuit 32 of the *Friedman* patent (col. 13, line 6 through col. 14, line 63) appears to differ considerably from the claimed measuring device.

Thus, even if the wake up circuit, including the RF detect circuit 32, of the *Friedman* patent were added to the transponder of the *Schuermann* patent, considerable technical difficulties would arise since the *Friedman* patent fails to disclose how to utilize the RF detect circuit 32 for monitoring the properties of a transmission oscillator, as is required by pending claims 1 and 15.

Accordingly, in view of the above discussion, it is respectfully submitted that a *prima facie* case of obviousness cannot be established with respect to claims 1 and 15, and withdrawal of this rejection is respectfully requested.

As mentioned above, applicant submits that independent claim 1 is patentable and therefore, claims 2-6, 8, 9, and 12, which depend from claim 1, are also considered to be patentable as containing all of the elements of claim 1, as well as for their respective recited features.

5. Rejection of claims 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,287,112 (*Schuermann*) in view of U.S. patent no. 6,593,845 (*Friedman et al.*) and further in view of U.S. patent no. 6,317,027 (*Watkins*)

Reconsideration of this rejection is respectfully requested on the basis that the *Watkins* patent fails to provide for the deficiencies of the proposed combination of the *Schuermann* and *Friedman* patents, as discussed above in detail with respect to claims 1 and 15, from which claims 7 and 16 respectively depend.

Accordingly withdrawal of this rejection is respectfully requested.

6. Rejection of claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,287,112 (*Schuermann*) in view of U.S. patent no. 6,593,845 (*Friedman et al.*) and further in view of U.S. patent no. 5,319,569 (*Nichols et al.*)

Reconsideration of this rejection is respectfully requested on the basis that the *Nichols* patent fails to provide for the deficiencies of the proposed combination of the *Schuermann* and *Friedman* patents, as discussed above in detail with respect to claim 1, from which claims 10 and 11 depend.

Accordingly withdrawal of this rejection is respectfully requested.

7. Rejection of claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,287,112 (*Schuermann*) in view of U.S. patent no. 6,593,845 (*Friedman et al.*) and further in view of U.S. patent no. 5,491,715 (*Flaxl*)

Reconsideration of this rejection is respectfully requested on the basis that the *Flaxl* patent fails to provide for the deficiencies of the proposed combination of the *Schuermann* and *Friedman* patents, as discussed above in detail with respect to claim 1, from which claims 13 and 14 depend.

Accordingly withdrawal of this rejection is respectfully requested.

8. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

Please charge any additional fees required or credit any overpayments in connection with this paper to Deposit Account No. 02-0200.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Date: October 9, 2009

Respectfully submitted,

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